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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,972	07/15/2003	Robert A. Matousek	12622	7832

26637 7590 10/07/2005

CNH AMERICA LLC
INTELLECTUAL PROPERTY LAW DEPARTMENT
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EXAMINER

TORRES, ALICIA M

ART UNIT PAPER NUMBER

3671

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,972

Applicant(s)

MATOUSEK ET AL.

Examiner

Alicia M. Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 11, 12 and 15, 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder et al. 6,705,067 in view of Vachon 4,480,397.
3. Regarding claims 1, 5, 11, 12, 15 and 17-20, Schroeder discloses a harvesting combine (10) wherein the methods for visually monitoring a harvesting combine of claims 17-20 are inherent, comprising:
 - A body (at 20)
 - A rotary threshing assembly (20) having a front end located in a front wall
 - A longitudinally extending cab have a side
 - A platform comprising a rear platform portion positioned in the space between the cab and the body
 - The rear platform extending along the front wall which is generally transverse to the longitudinally extending body
 - The cab, body and rear platform portion defined a passageway to allow an operator to visually monitor the body from the platform, as per claim 1; and

Wherein it appears the passageway has a width of approximately 1 8-20 inches, as per claim 5; and

Wherein the combine (10) includes a frame (24), the platform being attached to the frame (24), as per claim 11; and

Wherein the platform (unnumbered horizontal lines connecting the cab with the body, shown in Figure 1) is positioned above two front wheels (unnumbered) of the combine (10), as per claim 12; and

Wherein the body (at 20) includes a housing and operating equipment, as per claim 15.

However, Schroeder fails to disclose a side platform connected to the rear platform portion comprising a generally L-shaped embodiment when viewed from above, as per claim 1.

Vachon discloses a similar device including a side platform (12) connected to the rear platform portion (14) comprising a generally L-shaped embodiment when viewed from above.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the platform of Vachon on the device of Schroeder in order to provide storage for hydraulic pumps.

4. Regarding claim 21, Schroeder discloses a cab arrangement for a harvesting combine comprising:

- A harvesting combine (10) including a longitudinally extending body (at 20) having a grain tank (20)
- A longitudinally extending cab
- A platform including

- Side platform portions
- A back platform portion positioned between the cab and the grain tank
- The back platform portion defines a space underneath containing a front end of a rotor (18) of a threshing system of the combine extending forwardly of the body of the combine
- The cab, grain tank and back platform portion define a passageway to allow an operator to visually monitor operating equipment.

However, Schroeder fails to disclose wherein the back platform portion is positioned higher than the side platform portions for allowing visual monitoring of operating equipment from a higher elevation.

Vachon discloses a similar device including a back platform portion (14) positioned higher than the side platform portions (12) for allowing visual monitoring of operating equipment from a higher elevation.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the raised platform of Vachon on the device of Schroeder in order to make space of operating equipment.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder and Vachon as applied to claim 1 above, and further in view of Frederiksen 4,421,188.

The device is disclosed as applied above. However, Schroeder fails to disclose wherein the cab is supported on the combine by a linkage assembly movable for moving the cab upwardly and rearwardly into the space and adjacent to the front wall, as per claim 2; and

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Wherein the platform is removable to allow the cab to be positioned in the passageway above the front end of the rotor, as per claim 3.

Frederiksen discloses a displaceable cab (2) wherein the cab (2) is supported by a linkage assembly (3, 4) movable for moving the cab upwardly and rearwardly, as per claim 2; and

Wherein the platform (unnumbered, to where the ladder leads) is removable to allow the cab (2) to be positioned in the passageway, as per claim 3.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the displaceable cab of Frederiksen on the combine of Schroeder and Vachon in order to provide optimum visibility conditions.

6. Claims 4, 6-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Schoreder, Vachon and Frederiksen as applied to claim 3 above, and further in view of Ensink.

The device is disclosed as applied above. However, the combination fails to disclose wherein the platform is connected to at least one side platform portion located beside the cab, the platform between the cab and the body being located at a higher elevation than the at least one side platform portion, as per claim 4; and

Wherein the platform is supported on a bridge which has a generally inverted u-shape which extends over and defines a space containing the front end of the rotor, as per claim 6; and

Wherein the bridge supports at least one step at an elevation between the platform and the at least one side platform portion, as per claim 7; and

Comprising two of the side platform portions beside opposite sides of the cab, respectively, the side platform portions and the platform together having a u-shape when viewed from above, as per claim 8.

Ensink discloses a platform wherein the platform (15) is connected to at least one side platform portion (16), the platform (15) being located at a higher elevation than the at least one side platform portion (16), as per claim 4; and

Wherein the platform (16) is supported on a bridge (platform frame) which has a generally inverted u-shape, as per claim 6; and

Wherein the bridge (frame) supports at least one step (at 16) at an elevation between the platform (15) and the at least one side platform portion (16), as per claim 7; and

Comprising two of the side platform portions (16) beside opposite sides of the cab, respectively, the side platform portions (16) and the platform (15) together having a u-shape when viewed from above, as per claim 8.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the elevated platform portion of Ensink on the device of Schroeder, Vachon and Frederiksen in order to allow an operator to stand at different elevations.

7. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder, Vachon, Frederiksen and Ensink as applied to claim 8 above, and further in view of Stauffer.

The device is disclosed as applied above. However, the combination fails to disclose wherein the cab includes a back wall, the back wall including a transparent window to provide the operator with enhanced visibility behind the cab.

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Stuaffer discloses a cab wherein the cab (10) includes a back wall (8), the back wall including a transparent window (82) to provide the operator with enhanced visibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the glass window of Stuaffer on the device of Schroeder, Frederiksen and Elisink in order to provide better visibility.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder and Vachon in view of Copley et al.

Schroeder and Vachone disclose the device as described above. However, the combination fails to disclose wherein the platform includes a railing extending upward from the platform and along an outer perimeter of the platform, as per claim 10.

Copley discloses a combine wherein the platform includes a railing (20) extending upward from the platform and along an outer perimeter of the platform, as per claim 10.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the railing of Copley on the platform of Schroeder and Vachon in order to provide balance and support for the operator.

9. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder and Vachon in view of Hurlburt, as cited by Applicant.

The device is disclosed as applied above. However, the combination fails to disclose wherein the cab includes a curved transparent front panel, as per claim 13; and

Wherein the curved transparent front panel is comprised of glass, as per claim 14.

Hurlburt discloses as combine wherein the cab (12) includes a curved transparent front panel (35), as per claim 13; and

Wherein the curved transparent front panel (35) is comprised of glass, as per claim 14.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the transparent panel of Hurlburt on the device of Schroeder in order to maximize the operator's vision.

Response to Arguments

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

11. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

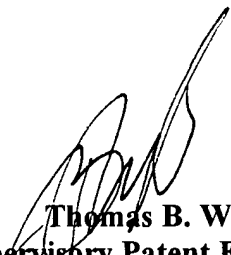
Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 571-273-8300.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
October 3, 2005